

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN WILDLANDS, <i>et al.</i>)	
)	
Plaintiffs,)	
)	Civil Action No. 00-2521 (EGS)
v.)	[16] [29]
)	
GALE NORTON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER AND JUDGMENT

For the foregoing reasons and upon careful consideration of the entire record in this case, the Court finds that FWS' listing determination for FWS does not reflect a reasoned assessment of the statutory listing factors on the basis of the best available science. Accordingly, it is hereby

ORDERED that plaintiffs' motion for summary judgment [16] is **GRANTED**; and it is

FURTHER ORDERED that defendants' motion for summary judgment [29] is **DENIED**; and it is

FURTHER ORDERED that this action be remanded to FWS with instructions that it reconsidered its "not warranted" finding for WCT in light of this Court's decision. In reconsidering whether to list WCT as a threatened species, FWS must evaluate the threat of hybridization as it bears on the ESA's statutory listing

factors. Specifically, FWS must determine: (1) the current distribution of the species, taking into account the prevalence of hybridization, 16 U.S.C. § 1533(a)(1)(A); (2) whether the WCT population is an endangered or threatened species because of hybridization, 16 U.S.C. § 1533(a)(1)(E); and (3) if existing regulatory mechanisms are adequate to address threats posed by hybridizing non-native fish. 16 U.S.C. § 1533(a)(1)(D); and it is

FURTHER ORDERED that FWS shall issue a new 12-month Finding for WCT within one year of the entry of this Court's judgment; and it is

FURTHER ORDERED and **ADJUDGED** that the Clerk shall enter final judgment in favor of plaintiffs and against defendants.

IT IS SO ORDERED.

March 31, 2002 _____
DATE

_____/s/_____
EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

Notice to:

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